

December 1, 2009

7:00 p.m.

Planning Division
Council Chambers

MEMBERS PRESENT: Chair Donna Cosgrove and Commissioners Jake Cordova, Kurt Karst, Gary Mills, Jared Peterson, Leslie Polson, Paul Savidis, George Swaney, and Margaret Wimborne.

MEMBERS ABSENT: Commissioners Brent Dixon and Michelle Mallard.

ALSO PRESENT: Planning Director Renée Magee, Assistant Planning Director Brad Cramer, Current Planner DaNiel Jose, Recorder Debra Petty, and approximately fifteen interested citizens.

CALL TO ORDER: Chair Cosgrove called the meeting to order at 7:00 p.m. and reviewed the hearing procedures for the public.

MINUTES: November 3, 2009. Commissioner Polson moved to accept the minutes of November 10, 2009, as corrected. Motion seconded by Wimborne. Motion passed unanimously.

PUBLIC HEARINGS:

Conditional Use Permit for a Church in an R-1 (Residential Single-family) Zone: Lot 1, Block 1, Township Road Church, Division No. 1. Cosgrove said the application was withdrawn by the applicant. The application will be resubmitted and considered by the Commission at the January 5, 2010, meeting.

Zoning Amendment for an R&D-1 Zone for Research, Development and Education:

Cramer stated the proposed zoning ordinance text amendment is for the creation of a new R&D-1 zone for research, development, and educational uses. He reviewed the staff report, a part of the record, and read two letters, one from Erik Oaas and one from Dave Bagley, into the record. Although the text amendment grew out of a rezoning request, the text amendment is a legislative action to create a new zone.

Cramer said the request is in response to a proposed new facility to be built by a private company and leased by Idaho National Laboratory (INL) and Battelle Energy Alliance. The details of the proposal are not known, so his comments are general and specifically related to the comprehensive plan. Open storage is allowed in the I & M-1 Zone and was not envisioned for the University Place area west of Fremont Avenue under the plan. As location is crucial to the applicant, the proposed solution is to create a new zone with characteristics similar to a higher education center. The proposed zone was written by the applicant and reviewed by staff. Staff

concerns centered on landscaping, buffering/screening, open storage, allowed and accessory uses, and the objective of the zone.

Cramer reviewed the land use map noting the concentration of higher education centers are on the northwest side of town. He presented several photos within the city to demonstrate characteristics of campus-like, higher education settings with landscaped entrance ways, berming, large setbacks, grassy areas, no screening between buildings and large trees. In the comprehensive plan, these settings include college facilities, office complexes, research laboratories, and limited support services such as apartments, restaurants, and copy centers.

Cramer noted the EITC parking lot northwest of 17th Street and Hitt Road demonstrates effectiveness of large grassy areas with landscape plantings for screening. Mills said the parcel depicted was donated for a park, not future development. New construction on University Boulevard demonstrates limited landscaping requirements of the M-1 zone. CAES Building demonstrates a different type of development based on Leadership in Energy and Environmental Design (LEED) Certification.

Within the staff report is a table outlining the differences between the current M-1 zone and the proposed R&D-1 zone. Significant in the proposed zone is the 10-acre minimum lot size, the open storage related to research labs, the use of berms and a solid evergreen screen for open storage, the limitation on open storage not to exceed 30% of parcel or lot, the requirement for a conditional use permit if open storage is located closer to residential than seventy-five (75) feet, the possible requirement for a traffic study, and the elimination of manufacturing and processing uses.

Cramer clarified for the commission I&M-1, I&M-2, and GC-1 zones allow open storage and HC-1 allows for open storage if screened. Stored items are to be accessory or related to the use of the building. Polson referenced the portion of the letter from Mr. Cook stating, "the proposed INL facility must allow for outside storage, handling, and maneuvering of biomass materials (bales and bale stacks), tractor-trailer rigs, and cargo containers". Cramer said that statement is specific to the proposal generating the zone.

In response to a comment pertaining to the size of the berms located at EITC, Mills said they are a function of the educational use for outdoor activities such as teamwork exercises for firefighters. He questioned staff how the berming at EITC relates to the proposed R&D-1 zone. Cramer said the berming and screening for this proposed zone is intended for the outdoor storage. He clarified the 20-foot berm is calculated from rise to rise, there is nothing to preclude the use of a fence in addition to a berm and shrubbery, and the intent of the 75' buffer from residential uses or zoning is to protect residential and undeveloped land from the open storage.

Cramer told Peterson the use of a 3 foot berm is based on ratios necessary to create the berm and is often used for screening headlights from residential uses. A 3 foot berm may not be effective for the type of storage being proposed, so in addition, a solid evergreen wall 10 feet in height is required. The city forester will determine the type of evergreen and spacing to achieve this wall within the required five-year period.

Polson questioned the actual need for this zone as it is based on one request. Cosgrove remembered discussing the creation of a similar zone in the past but not the details. Magee said past discussion was for a zone specific to the higher education designation in the plan, but it was to include more land uses than the university. It became much too complex. Creating a new zone geared toward research and higher education makes more sense, but the open storage was not anticipated. Polson noted the letter from Mr. Cook implies screening of outdoor storage is only necessary “from the view of adjacent residential uses,” not for all outdoor storage as presented by staff.

Polson is concerned the minimum required twenty percent landscaping will not achieve the desired park-like setting when the majority of it will be berming. Polson requested a graphic representation of the characteristics of the zone demonstrating the required green space. It was noted Lowe’s is a general example of 30% landscaping.

Wimborne asked if the applicant will seek to rezone the area to I&M-1 if the new zone is not approved. Cramer said the I&M-1 zone was not considered for this location as it allows for sexually oriented businesses and heavy industrial uses with little required landscaping. The proposed zone is attempting to preserve the educational uses and allow the needed open storage. The current R-3A zoning does not allow for laboratories. University Place is zoned R-3A and RP-A.

When asked about decibel levels, Cramer said R-3A zoning does not have a noise limit by decibel levels, but the proposed zone has decibel limits. 65 decibels is similar to the sound of a busy restaurant. Cramer said hours of illumination and operation were not suggested by staff, but the use of front end loaders/heavy equipment may be a consideration.

Chair Cosgrove opened the hearing to public comment.

Carl Cook, Boyer Company, 1150 South Eagle Street, Ogden, Utah: Cook explained the Department of Energy wishes to construct a four building energy development facility for testing and demonstration. This will include a battery lab, hybrid energy systems testing unit, and use of agricultural waste products. It is between 88,000 to 90,000 square feet of building space, represents an investment of 30 to 40 million dollars, and creates a number of well paying jobs. Outdoor storage is necessary to accommodate the cycle of examination and testing. He stated there are areas in town that accommodate this type of use, but the campus location is more conducive to the use and atmosphere desired. The twenty percent landscaping is adequate as it is one use within a larger campus. He believes it is a win-win for all involved.

Peterson questioned the terms “examination” and “testing” in conjunction with agriculture as he thinks of smell. It is easier to eliminate the visual and noise impact, but smell is more challenging. Cook said his understanding is there may be bales of hay or agricultural product waiting for examination, but it takes a scientist to explain what may occur. Cramer said there is a provision in the proposed zone for smell, but there is not a specific list of allowed storage material, only that it must be related to use. Savidis asked if the process for testing and handling

of stored materials included the removal of developed or tested material to an offsite manufacturing area. Cook said they are a laboratory research facility and anticipates developed material will be outsourced to the public sector.

Wimborne asked Cook what concerns he had about screening requirements of outdoor storage. As a developer, Cook said he is concerned for the proper screening of outdoor storage but wants to balance appearance with cost. He does not want requirements to be excessive. Polson asked Cook if he shared Mr. Oaas' concern about unreasonable limitations imposed on the visibility of containers from a public street and dust, vibrations, intermittent lights, glare and noise. She saw a contradiction to Mr. Oaas' statements. Cook suggested it may be interpretation of the requirements by Mr. Oaas versus his interpretation. Polson emphasized it is an area of learning and she did not want disruption of the learning environment.

Cosgrove asked for comment from the University, but there was no representation.

Wimborne asked if there were going to be limitations on hours of operation. Cramer said there are potential problems if residential is located near an R&D-1 zone. Currently, the R-3A and M-1 zones have no such limitations unless it involves a conditional use permit. Cordova did not see much difference with a research and development zone and, should INL choose to extend hours of operation, they should be allowed to do so.

Chair Cosgrove closed the hearing to public comment.

Peterson suggested caution when recommending approval. He noted it may be appropriate today, but it is not known how this zone will grow over 10 to 20 years. His desire is to protect non-compatible uses from one another, to protect residential uses, and to maintain the integrity of the university. He is not opposed to the zone but questions the adequacy of the 70-foot setback and screening. Polson concurred and did not believe twenty percent landscaping is adequate for screening open storage. Savidis believed the requirements of twenty percent landscaping and a maximum thirty percent of open storage work well for a 10-acre parcel.

Karst was not comfortable making a decision on a brand new zone without additional discussion and instruction from staff. He would like a work session. He voiced concerns in regard to the definition of outdoor storage, determining an accessory use or incidental use, the potential for light manufacturing in the zone, the required percentage of landscaping to create the desired park-like atmosphere, and whether the solid screen is achievable in 5-years. Polson concurred with Karst. Magee suggested recessing the text amendment and the rezoning request to the January 5, 2010 meeting and conducting a work session prior to the meeting. She emphasized the work session must be limited to the proposal for a new zone and not the rezone request.

Karst moved to recess the zoning text amendment to January 5, 2010 to allow the Commission to conduct a work session regarding the proposed new R&D-1 zone. Motion seconded by Peterson. Motion passed unanimously.

Rezone from R-3A (Apartments & Professional Office) to R&D-1: Lot 3, Block 1, University North. Karst moved to recess the rezone for Lot 3, Block 1, University North, to January 5, 2010. Motion seconded by Savidis. Motion passed unanimously.

Other Business:

Final Plat: 1st Amended Daggett Heights, Division No. 1. Jose reviewed the staff report, a part of the record, and explained the owner wishes to sell two four-plexes being constructed on one lot individually. The foundations are in place. One four-plex and the common storm water retention pond are located on Lot 8 and the second four-plex on Lot 9. Although they share common parking and storm water retention, the four-plex on Lot 8 is responsible for maintenance of the storm water pond.

Jose stated the approved site plan has common trenches for water and sewer lines. Utilities for one four-plex cross the lot of the other four-plex. Private utility easements are required to assure property owners have access to maintain their private utilities which are not entirely located on their lot. In addition, a maintenance agreement is to be recorded against the plat.

Chair Cosgrove asked for comment by the applicant.

Randy Hill, 6579 E. 113th N., Idaho Falls: Mr. Hill said the decision to split the lot was economic. It is easier to obtain financing for a four-plex if they are on separate lots. All instruments will be in place for easements. Hill confirmed for Karst the project conforms to required setbacks.

Cordova moved to recommend to the Mayor and City Council approval of the final plat for 1st Amended Daggett Heights, Division No. 1, with the conditions a public easement for electric utilities be shown on the plat, private easements for sewer and water be shown on the plat, and a maintenance agreement for common facilities such as the parking lot and storm water facilities and private utilities be reviewed and approved by the City and recorded against the property. Motion seconded by Wimborne. Motion passed unanimously.

Final Plat: Eastern Idaho Community Action Partnership, Division No. 1. Magee reviewed the staff report, a part of the record, noting the one lot plat is for the new Eastern Idaho Community Action Partnership facility. The west portion is platted as Harvey's Place and the east portion has never been platted.

Magee is recommending additional easements adjacent to all property lines. If the Commission wants the west access drive to Lincoln Road designed to have one lane entering, one exit lane turning left, and one exit lane turning right, the driveway must be widened to 36 feet.

The applicant requested four points of access: three on Lincoln Road and one on Yellowstone Highway. After meeting with Project Engineering Consultants, a transportation engineering firm,

staff recommends access be limited to two drives on Lincoln Road and one on Yellowstone Highway. Planning and engineering staff are in agreement the proposed middle access onto Lincoln Road be omitted due to the immediate 90-degree right-turn into the parking lot. This may result in cars stacking in the driveway and onto Lincoln Road. The parking lot is private, but circulation on private property often impacts public streets.

Cordova questioned the center-to-center measurement for the required 360 foot separation between access points. Magee responded the *Access Management* Plan was written to allow the flexibility to measure from center of drive to center of drive. A full traffic study was not completed as EICAP will not be a major generator of traffic.

Mills cautioned staff about the safety of the west entrance as it has a three decade history of being used as a cut through from Yellowstone Highway to Lincoln Road. He suggested the owner should be concerned about safety factors in the parking lot. When questioned if a tie-in to Bennett across the street was considered, Magee told Mills it was determined by staff, the city engineer, and transportation engineer to keep the access points close to the west and east property lines.

Chair Cosgrove asked for comment by the applicant. Seeing they had no comment, she asked for a motion.

Karst moved to recommend to the Mayor and City Council approval of the final plat for Eastern Idaho Community Action Partnership, Division No. 1, with the conditions access be limited to two access drives on Lincoln Road and one on Yellowstone Highway, Lincoln Road access drives be no closer than 360 feet center-to-center, fifteen foot utility easements be platted adjacent to Yellowstone Highway and Lincoln Road and 10 foot utility easements be platted on both side property lines, and the access on Yellowstone Highway and the eastern driveway on Lincoln Road be limited to existing widths and the western driveway on Lincoln Road be constructed to 36 feet in width. Motion seconded by Cordova. Motion passed unanimously.

Miscellaneous

A work session was set for 8:00 a.m. on December 8, 2009, to discuss the draft of the R&D-1 zone.

The meeting adjourned at 9:00 p.m.

Debra Petty, Recording Secretary